IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11542 of 2004

Between:

Chennuru Veeralokanatham S/o Venkaiah, R/o H. No. 1-65,
Chennuru Village, Pedana Mandal, Krishna District

..... PETITIONER

AND

1 The State Election Commission, Budha Bhavan, Near Tank Bund, Secunderabad, rep. By its Commissioner
2 Gram Panchayat Electoral Officer and District Panchayat Officer, Machilipatnam, Krishna District
3 The Revenue Divisional Officer, Machilipatnam, Krishna District
4 The Electoral Registration Officer, Chennuru Gram Panchayat-cum-Mandal Revenue Officer, Pedana Mandal, Krishna District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction declaring the action of the respondents in not making corrections to the electoral Rolls of the Chennuru Gram Panchayat for the year 2004 before issuing notification for the election to the post of the Sarpanch, Chennuru Gram Panchayat, Pedana Mandal, Krishna District as arbitrary, illegal, colorable exercise of power apart from being violative of the A.P. Panchayat Raj Act 1994 and the Rules made in G.O.Ms. No. 879, PR, RD & R Dept.. dated 3-12-1994, G.O.Ms. No. 899, PR RD & R (Elecs-I) Dept., dated
10-12-1994 and consequently direct the 1st respondent to see that necessary corrections are made for inclusion and exclusion of name in the voters list of Chennuru Gram Panchayat.

For the Petitioner: MR.C.V.R.RUDRA PRASAD, Advocate

For the Respondent No.1: Mr. V.V. Prabhakar Rao, Advocate

For the Respondent Nos.2 to 4: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development and at their request, the writ petition itself is taken up for final disposal at the admission stage.

The petitioner, in effect, seeks a direction to the first respondent-State Election Commissioner to make corrections to the Electoral Rolls of Chennuru Gram Panchayat, Pedana Mandal, Krishna District for the year 2004 before issuing notification for election to the post of Sarpanch of the said Gram Panchayat.

The petitioner claims to be contesting candidate for the post of Sarpanch of Chennuru Gram Panchayat. It is alleged that the persons whose names were deleted from the voters' list of Chennuru Gram Panchayat, have filed Form-2 claim applications before the fourth respondent-Electoral Registration Officer for inclusion of their names in the said voters' list, and as no action has been taken by the fourth respondent in the matter, the petitioner filed a petition dated 1-7-2004 before the first respondent-State Election Commissioner to rectify the irregularities and discrepancies crept in the voters' list. Since the first respondent has not taken any action in the matter, the petitioner has filed the present writ petition.

The petitioner, admittedly has chosen the wrong Forum. For rectification of the mistakes in the electoral list, the petitioner has to make appropriate application before the fourth respondent-Mandal Revenue Officer-cum-Electoral Registration Officer, who is the authority competent to look into such complaints. Since the petitioner has not filed petition before the competent authority, but filed the same before the first respondent, who is not the authority competent to look into the grievances with respect to elections to a Gram Panchayat, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner may file copy of the petition filed by him before the first respondent on 1-7-2004, before the fourth respondent by making necessary

corrections, and on such copy being filed, the fourth respondent shall look into the grievance of the petitioner, and pass appropriate orders thereon in accordance with law, and take appropriate action in terms therewith.

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N.V. RAMANA, J

Date: 08-07-2004

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To

1 The State Election Commissioner, Budha Bhavan, Near Tank Bund, Secunderabad.
2 Gram Panchayat Electoral Officer and District Panchayat Officer, Machilipatnam, Krishna District
3 The Revenue Divisional Officer, Machilipatnam, Krishna District
4 The Electoral Registration Officer, Chennuru Gram Panchayat-cum-Mandal Revenue Officer, Pedana Mandal, Krishna District

5 Two CCs. to Govt. Pleader for Panchayat Raj and Rural Development, High Court Buildings, A.P., Hyderabad (OUT).

6 Two CD copies.